

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

April 14, 2005

Chairman J. Aslakson called the meeting to order at 4:02 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, L. Spataro, B. Turnquist, T. Johnson, B. Mazade,
S. Warmington, T. Michalski

MEMBERS ABSENT: T. Harryman, excused; B. Smith

STAFF PRESENT: L. Anguilm, D. Leafers, H. Griffith, M. Cameron

OTHERS PRESENT: Dr. B. Pals, 6610 Timberlake Ct; Dr. A. Pals, 18585 Iroquois; M.
Olejarczyk, 690 W. Southern; J. Bishop, 696 W. Dale; B.
Vandermolen, 688 W. Dale

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of March 10, 2005 was made by S. Warmington, supported by T. Michalski and unanimously approved.

B. Mazade arrived at 4:04 p.m.

L. Spataro arrived at 4:05pm

PUBLIC HEARINGS

Hearing; Case 2005-14: Request to rezone the property located at 1550 W. Sherman Boulevard from B-2, Convenience and Comparison Business to B-4, General Business, by PHP Real Estate for Clarke Animal Hospital/Glen Park. L. Anguilm presented the staff report. 1) The building was previously occupied by a commercial fireplace and wood stove storefront. It has been vacant since the previous use went out of business a couple of years ago. 2) The property to the north on Montague Street is zoned R-1, and there is a house located immediately behind this site. The property to the west and east is zoned B-2, and across the street to the south is Roosevelt Park. 3) The applicant would like to purchase the property to relocate his veterinary clinic from 1703 W. Sherman Blvd. in Norton Shores. 4) A veterinary clinic is not allowed in a B-2 zone even through a Special Use Permit, but is listed as a principle use in a B-4 zone. 5) A use variance is not an option in this case, since all of the facts and conditions do not exist that would allow the ZBA to grant a variance. 6) Other commercial uses included in the B-2 zoning on that block include a bank, restaurant, and non-profit agency. 7) Rezoning of this particular piece of property would constitute a "spot zone", which is discouraged, since it creates a zone for a specific property, suggesting favoritism. 8) Staff received a letter from John Sytsema of

Sytsema Funeral Home across the street from subject property and he was very supportive of the request.

The Master Plan states “Existing commercial districts along Sherman Boulevard, west of Pine Grove Street, should be restricted to B-1 zone district classifications.” There is only one B-1 zone on Sherman, and that is located in Lakeside. Other commercial zonings are either B-2 or B-4. It does appear from the Master Plan, however, that the intent is to keep the commercial development restricted to those businesses that “primarily serve persons residing in adjacent residential areas or neighborhoods”. Spot zoning is not recommended for this site. If the Planning Commission wants to consider another option, possibly veterinary clinics could be added as a Special Use in B-2 at a future meeting.

Staff recommends denial of the request to rezone the subject property from B-2 to B-4 because the request does not conform to the goals and recommendations of the 1997 Master Plan and because doing so would constitute a spot zone.

L. Spataro stated that contract zoning was now allowed in Michigan and asked if that could be done in this instance or if we would need to draft a local ordinance first. L. Anguilm stated we would need a local ordinance first. T. Johnson agreed. B. Turnquist stated that his understanding was that there would be no outdoor kennels at the clinic. L. Anguilm stated that adding veterinary clinics as a special use to B-2 rather than rezoning the location to a B-4 would give the city a little more control over this aspect. However, that could not be voted on at this meeting because it was not advertised. T. Michalski stated he preferred the special use option.

Dr. B. Pals stated the clinic’s business is growing and their current location is too small. He appreciated the Commission’s willingness to consider the SUP alternative. He stated the exterior of the building would resemble a medical office building and all work would be done indoors. There would be no outdoor kennels. He stated he went door to door and spoke to the fifteen closest neighbors to the site to see if they had any objections because they didn’t want to move there if the neighbors were against it. Dr. A. Pals assured the Commission that the facility was quiet and there wouldn’t be any outdoor activity. He had been through this process before with his other locations and understood the Commission’s concerns. He read a letter from Terry and June Hall of 6713 Grand Haven Rd., neighbors to his other clinic in Norton Shores. The letter stated the hospital was a great neighbor and was the best-kept property in the area. They noticed no noise or offensive smell from the business. Dr. A. Pals stated the city would benefit from the proposed clinic because it would fill a building that has been vacant for two years.

A motion to close the public hearing was made by B. Mazade, supported by T. Johnson and unanimously approved.

A motion that the request to rezone the property located 1550 W. Sherman Boulevard from B-2, Convenience and Comparison Business district to B-4, General Business district, as described in the public notice, be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of lack of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by T. Michalski, supported by S. Warmington and unanimously approved.

A motion to have staff bring language to next month's PC meeting to amend the zoning ordinance, adding veterinary clinics as a Special Use to B-2 was made by S. Warmington, supported by L. Spataro and unanimously approved. B. Mazade asked if we could simultaneously approve the SUP for the Pals' clinic at the next meeting. L. Anguilm stated she would consult with Dr. Pals to work that out.

Hearing; Case 2005-15 – Staff-initiated request to rezone multiple properties in the portion of the city known as Area 12, bounded generally by Laketon Ave., Glade St., 9th St., Western Ave., Lakeshore Dr., Southern Ave., and Franklin St. L. Anguilm presented the staff report. This case is a continuation of the "blight fight" effort begun by the City Commission in 2002. So far we have rezoned the areas known as Area 10, Area 10b, Area 11 and Area 11b. The current target area for the blight fight effort is labeled "Area 12", and encompasses the area bounded by Laketon Ave., Glade St., 9th St., Western Ave., Lakeshore Dr., Southern Ave., and Franklin St. The area contains approximately 700 parcels. Staff has conducted a land use survey and sent out letters to property owners asking them to verify that the land use we have on record for their property is correct. Based on the land use survey and Master Plan recommendations for this area, staff is proposing to rezone many of the parcels in Area 12. A mailing was sent to every property owner and tenant of record, both within Area 12 and within 300 feet of the boundaries of Area 12, informing them that this rezoning was being proposed and discussed by the Planning and City Commissions. Approximately 1,200 letters were sent out in this rezoning effort.

The current zoning of many of the residential properties within Area 12 is R-1 Single-Family Residential, RT Two-Family Residential, RM-1 Low Density Multiple-Family Residential, or B-4 General Business. There are also small areas of I-1 Light Industrial and I-2 General Industrial on the northern boundaries of the area. The land use survey showed that although there are some existing multi-family dwellings within the area, the majority of residential properties do contain single-family homes. Therefore, staff is proposing to rezone most of the RT residential properties to R-1 Single Family Residential, while the RM-1 Low-Density Multi-Family areas would remain as they currently are. The only change proposed to the B-4 General Business zone involves the property located at 1776 Division Street, where a parcel containing a single-family structure currently has two separate zonings, RT and B-4. Staff proposes to rezone the entire parcel to R-1 Single Family Residential. There is currently an area of industrial zoning on the northern border of Area 12. It contains both I-1 Light Industrial zoning and I-2 General Industrial areas. The I-1 district includes the Watermark project and currently is being redeveloped under a PUD. The I-2 districts include C. W. Marsh, a warehouse building across Division Street from the Watermark, and some other small industrial uses. Maps for the current and proposed zoning for Area 12 were provided to the commission. Staff received several comments, which were also provided to the commission.

L. Spataro stated he had some concerns about a couple sections in the proposed rezoning area. One was the stretch of Beidler north of Laketon, and the other was the strip between Washington and Grand that was still designated as RT on the proposed zoning map. He stated that there were several commercial uses on Beidler but it is proposed to be zoned R-1, and that didn't reflect the reality of what's there. He was concerned about how the new zoning would affect those properties if they wanted to expand or if they were sold to new owners. L. Spataro stated he checked out the area between Washington and Grand Ave. and there were 83 parcels being used as single family homes and only 28 parcels with other uses. He asked why this area

was being left as RT instead of being included in the R-1 rezoning. L. Anguilm stated staff felt that there needed to be a buffer between the RM-1 and Industrial areas, to the single family zoning. Staff was concerned about retaining some RT zoning, since much of it has been removed from other areas of the city during prior rezonings. L. Spataro asked how much of a buffer was needed, since the industrial properties in this area like Coles, CW Marsh, and now the Watermark are relatively quiet and compatible with the area. He stated that if the idea is to maintain the character of how the homes were built, then this area should be R-1 also. L. Anguilm presented commission members with a note from Commission S. Gawron because he was unable to attend the meeting. He wanted a larger area within Area 12 rezoned to single family. L. Spataro stated there was a cluster of commercial-use buildings on Washington Ave. and suggested that could serve as the buffer zone.

M. Olejarczyk spoke regarding the Nelson Neighborhood building on Beidler and Forest. He had concerns about how the R-1 zoning would affect them if they wanted to sell the building, expand, or make improvements to it. He also asked how grandfathering would affect that property. L. Anguilm stated they could make improvements, but any expansions would need PC approval. J. Bishop spoke in support of the rezoning. She is a homeowner in the area and was upset about the neighboring houses being divided up into several apartments and the resulting problems that has caused. She would like to see more R-1 zoning to help the property values in the area. B. Vandermolen spoke in support of the rezoning. He felt R-1 zoning was a positive change for the area. He was satisfied with the current commercial-use buildings in the area but didn't want to see them expand further.

A motion to close the public hearing was made by T. Michalski, supported by S. Warmington and unanimously approved.

L. Spataro asked if the Commission was bound by the staff recommendation or if they could suggest alternatives. L. Anguilm stated the letter that was sent to Area 12 residents was pretty open, so the Commission would be able to make some changes. She stated that the R-1 zoning ordinance provides for existing commercial uses to continue in Area 12. Commission members and staff discussed how the R-1 zoning would affect these properties if they wanted to sell or expand. B. Turnquist asked if the properties that are not being used as R-1 would be allowed to continue their current use until the property was sold. L. Anguilm stated they could continue until the use was changed or the property remained vacant for two years. T. Johnson asked how many of the RT-zoned properties in the city were built for two families. L. Anguilm stated she did not know. B. Mazade stated that, as he understood it, the question now was, should we go further with the R-1 zoning into the Grand-Washington corridor. L. Spataro suggested that rather than leaving the area north and west of the proposed RT zone as RM-1, that it be changed to RT and used as the buffer zone, and the Grand-Washington area be included in the R-1 zoning. He stated this would reflect the majority of the actual uses and would also preserve the small commercial uses. J. Aslakson asked if there was a more appropriate zoning for the Beidler St. area. L. Anguilm stated that possibly B-1, but she wouldn't want to see anything more intense than that. Staff and commission members discussed the current commercial businesses on Beidler and the SUP requirements. J. Aslakson stated he didn't want to encourage more intense business uses there, but didn't want to inconvenience the current business either.

A motion to rezone Area 12 with two changes: that the RM-1 zone on the proposed map be changed to RT, and the RT area of Washington and Grand be changed to R-1 instead of RT, was made by L. Spataro and supported by S. Warmington. T. Michalski stated he was not opposed to that recommendation but would be uncomfortable voting on it today. He asked if it could be postponed for one month to give staff time to re-do the proposal based on what was discussed at the meeting.

A motion that the request to rezone the properties shown on the proposed map, from RT Two-Family Residential and B-4 General Business to R-1 Single Family Residential, be tabled until next month to allow staff to prepare information on the proposed changes was made by T. Michalski, supported by B. Mazade and unanimously approved. B. Mazade asked if we should give notice again to the affected properties in the RM-1 and RT areas. L. Anguilm asked if we were required to renote the entire area. J. Aslakson stated that at minimum we should notify those that would be directly affected.

T. Michalski left at 5:11 p.m.

OLD BUSINESS

None

NEW BUSINESS

None

OTHER

Work Plan L. Anguilm presented the work plan showing what happened last year, and explained how the voting was done. J. Aslakson stated he was aware that city budgets were very tight and asked for input from staff at the next meeting so Commission members would know which items on the list were actually feasible. L. Anguilm asked Commission members to contact her if they wanted anything added or changed on the list. T. Johnson suggested that legal counsel or the PC draft language for contract zones.

There being no further business, the meeting was adjourned at 5:15 p.m.

dml
4/14/05